least one of the first and second transaction-tax-related applications is one of a basic and a micro service module.

Claim 33   (currently amended)   The module [of] set forth in claim 24, wherein the mapping component enables a user to input and configure rules which define how the data element mapping is performed.

Claim 34   (currently amended)   The module [of] set forth in claim 33, wherein the rules are implemented via a lookup table.

Claim 35   (currently amended)   A transaction-tax-related software application of a program controlled apparatus, the application including an interface for linking the application with at least a second transaction-tax-related application, the interface being implemented such that data [are] is exchangeable between the first and the second transaction-tax-related application according to a standardized transaction-tax interface data model.

REMARKS

Reconsideration of this Application is respectfully requested. Claims 1-35 are amended, without prejudice or disclaimer. Claims 1-35 are in this case.

Initially, the Examiner noted that the captioned Application contains a plurality of distinct claimed inventions and that all of the claims are treated in this action, but reserved the right to require a restriction of inventions at a later date.

Also, the Examiner requested copies of all references cited by WIPO (other than U.S. patents) in publication WO 03/044663, stating that Applicants' failure to fully reply will result in a holding of abandonment.

The Examiner then rejected claims 1-35 under this 35 U.S.C. § 101 on grounds that the claimed invention is directed to non-statutory subject matter. According to the Examiner, claims 1-13 recite a method having insufficient technological nexus, but indicated that reciting a computer within the body of the independent claims would satisfy this requirement. The Examiner also took the position that claims 1-13 recite mere manipulation of data. In order to be statutory, the Examiner explains, a claimed invention must be concrete, tangible and useful, and that the claimed invention is not concrete because a result is not assured.

Regarding claims 14-17, the Examiner indicates that they are rejected because they claim a disembodied data record, which is per se non-statutory. Finally, the Examiner states that claims 18-25 are rejected because the claimed disembodied software modules are not embedded in any tangible medium.

* * * * *

Next, the Examiner rejected claims 18-35 under 35 U.S.C. § 112, second paragraph, for indefiniteness. More specifically, the Examiner takes the position that while claims 18, 24 and 35 recite a software module, it is unclear where the preamble ends and the body of the claim begins. He asserts that only a preamble is recited.

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Furthermore, the Examiner rejected claims 1-35 under 35 U.S.C. § 102(e) as anticipated by Sullivan, U.S. Patent Application Publication No. US-2003/0093320. In

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particular, the Examiner argues that Sullivan shows exchanging transaction-related data with at least a second transaction tax related application according to a standardized interface data model. With specific reference to claims 2, 3, 5, 6, 19, 20, 22 and 23, the Examiner indicates that each of the two transaction tax applications uses its own (different) application-specific data model since it handles different data, and that the data elements of the respective data models are mapped to the interface data model. Regarding claims 4 and 21, the Examiner asserts that Sullivan describes that each of the respective application data models is different from the interface data model since it deals with different data. Also, the Examiner indicates that Sullivan shows all elements of claims 7 and 8. Concerning claims 9 and 26, he states that since data passed through the interface is stored in a data warehouse, the data warehouse data model comprises, equals or is a subset of the set of elements in the interface data model, as allegedly provided by Sullivan.

With respect to claims 10, 27 and 31, the Examiner finds that Sullivan teaches that at least one of the first and second applications is a logging module, a compliance module, a tax filing module, a tax calculation module, a tax content module, or a database for storing tax data. Regarding claims 11, 28 and 32, the Examiner continues, as broadly claimed, Sullivan indicates that at least one of the applications is one of a basic and a micro service module. As for claims 12, 13, 29, 30, 33 and 34, the Examiner takes the position that Sullivan shows that the mapping is governed by defined rules configurable by the user and implemented by a lookup table.

Furthermore, the Examiner asserts that Sullivan shows a software interface for linking first and second tax related applications such that data is exchangeable according

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to a standard interface, as set forth in claims 18 and 35. In addition, says the Examiner, Sullivan describes a data warehouse module as set forth in claim 24. Sullivan also allegedly discloses a software interface for linking the warehouse with at least the second application such that data is exchangeable between them according to a standard interface data model.

* * * * *

First, in accordance with the Examiner's request, Applicants shall submit, under a separate cover, hard copies of those references (other than U.S. patents) cited by WIPO in Publication No. WO 03/044663.

Second, regarding the Examiner's rejection of claims 1-35 under § 101, Applicants have amended independent claims 1, 14, 18 and 35 to make reference to a "program controlled apparatus". Claim 24 is amended to clarify application of Applicants' invention to a "memory device of a program controlled apparatus housing" a computer-based data warehouse module.

Third, with regard to the Examiner's rejection of claims 18-35 under § 112, second paragraph, claims 18, 24 and 35 are amended to better define the preamble portion of the claims. More particularly, the transition language in claim 18 is amended to read - - , wherein the interface is implemented - - rather than ", the interface being implemented"; claim 24 is modified to read - - A memory device of a program controlled apparatus , the device housing a computer-based data warehouse module constructed... - - rather than "A computer-based data warehouse module, constructed"; and the transition language of claim 35 is changed from "A transaction-tax-related software application

including an interface" to - - A transaction-tax-related software application of a program controlled apparatus, the application including an interface - -.

* * * * *

As for the stated rejection of claims 1-35 under § 102(e), however, Applicants respectfully disagree with the Examiner's reading and application of <u>Sullivan</u> to the present invention.

Applicants' invention is directed to a novel standardized interface data model for exchanging transaction-tax-related data between first and second transaction tax related applications. Indeed, in orchestrating a transaction tax compliance system that operates over a global interactive communications network and in the realm of local, state, federal and foreign jurisdictions, Applicants determined that a standardized interface data model is necessary for exchanging transaction-tax-related data between separate transaction tax related applications, whether operating between different jurisdictions domestically, jurisdictions abroad, or across domestic and foreign tax jurisdictions.

<u>Sullivan</u> purports to achieve such a transaction tax compliance system, namely, one that is applicable to local, state, federal as well as international tax rules and jurisdictions. To this end, he describes a selling/purchasing system interconnected to a transaction tax processor "*through one or more computers, devices, and/or interfaces used by sellers and purchasers in any manner known in the art, including the Internet and server protocols and devices*". (See paragraph [0039], lines 4-8) <u>Sullivan</u> also states that transaction tax data may be automatically transmitted by the selling/purchasing system in any number of ways, "*including, but not limited to, any data or signal discernable by the*

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transaction tax compliance system as transaction data, such as a message in any format of any computer communications protocol". (See paragraph [0042], lines 4-10).

Sullivan, however, neither provides substance nor any detail regarding such an arrangement, nor is there any suggestion, we submit, of how such a system could be orchestrated, given the complexities attendant operating a transaction tax compliance system between entities using tax computation software from different vendors, from different countries, not to mention in different languages. Sullivan, indeed, does acknowledge in paragraph [0089], on lines 4-7, that the "*selling/purchasing system may contain programs compatible to the transaction tax system to enable interface or data readiness for the transaction tax system*". (emphasis added)

We submit, for Sullivan's arrangement to function, each and every tax jurisdiction, domestically and/or internationally, not merely "*may contain programs compatible...to enable interface or data readiness*" but must use the same vendor software, must operate according to the same communications protocol, must use the same processing platform and must speak the same language. The necessity of a standardized interface data model, we respectfully submit, therefore simply cannot be suggested by the teachings of Sullivan, nor can the interconnection of a selling/purchasing system to a transaction tax processor be accomplished merely "*in any manner known in the art*", as asserted by Sullivan. (See paragraph [0039]). Applicants respectfully disagree that the necessary standardized data model is readily discernable from what is known in the art.

While the Examiner asserts that each of Applicants' transaction tax applications of claims 2, 3, 5 and 6 utilizes its own (different) application-specific data model (namely, that because it handles different data, the data elements of the respective data

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models are mapped to the interface data model), we respectfully note that the disclosure of <u>Sullivan</u> states **only** that the *"transaction tax data may be mapped to any format"* and that *"[s]uch mapping may be done by the transaction tax processor or by the selling/purchasing system"*. (See paragraph [0121], lines 1-5). And the disclosure of <u>Sullivan</u> does not tie such reference to mapping to any "rules configurable by the user and implemented by a lookup table", as argued by the Examiner.

* * * * *

Applicants respectfully note the following voluntary amendments to the claims to better define the invention without limiting effect: "of claim" is amended to read - - as set forth in claim - -; "said" is changed to - - the - -; "data are" now reads - - data is - -; "comprising" is amended to read - - comprising the step of - -; "comprising" is modified to read - - further comprising - -; and "corresponds" now reads - - corresponding - -; namely, for grammatical consistency and matters of desired style.

* * * * *

Accordingly, <u>Sullivan,</u> we respectfully submit, neither discloses nor suggests Applicants' invention, as claimed. Withdrawal of the Examiner's rejection under § 102(e) is, therefore, respectfully requested.
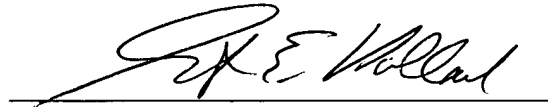
Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.

Please charge any additional fees that may be required to Deposit Account No. 08-2025.

Respectfully submitted,

Hong M. Dang et al.

By: _____

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Date: November 12, 2004

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